

## **DETAILED ACTION**

1. The examiner acknowledges receipt of request for extension of time, amendment and remarks filed 12/09/2010. Claim 28 is amended. Claims 29-38 are canceled. Claims 28 and 39-55 are pending.

### **Continued Examination Under 37 CFR 1.114**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/09/2010 has been entered.

### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 28 and 39-55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Administration of the composition downstream from the blocked blood flow was introduced into the claim on 04/01/2010. A careful review of the specification disclosure failed to teach how that is done and also failed to provide support that the

administering the embolizing composition downstream from the blocked blood flow was envisioned at the time the application was filed.

5. Therefore, administration of the composition downstream from the blocked blood flow was not envisioned at the time the application was filed. Thus, claims 28 and 39-55 are rejected claiming limitations that are new to the as filed specification. This is new matter rejection.

6. Also, there is no written description for administration of the composition downstream from the blocked blood flow. This is written description rejection.

7. The examiner attempted to resolve the remaining issue with applicant that would move the claims closer to allowance. The amendment filed 04/01/2010 does not provide sections of the specification providing support for the limitation.

8. Applicant may call the examiner to resolve the remaining issues and move the remaining examined claims closer to allowance.

9. No claim is allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLESSING FUBARA whose telephone number is (571)272-0594. The examiner can normally be reached on Monday to Thursday from 7 a.m. to 5:30 p.m.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Y. Kwon can be reached on (571) 272-0581. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blessing M. Fubara/  
Primary Examiner, Art Unit 1613